

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 113 be amended to read as follows:

- 1           Page 5, line 34, delete "section." and insert "**section unless the**  
2           **Medicaid program has been credited for the product cost of the**  
3           **drug as provided in policies under the Medicaid program.**".  
4           Page 6, delete lines 6 through 32, begin a new paragraph and insert:  
5           "**Sec. 6. (a) The following are not subject to liability under**  
6           **IC 34-20-2-1:**  
7               (1) **A person or entity who donates a drug to a regional drug**  
8               **repository program under this chapter in accordance with**  
9               **rules adopted by the board under section 7 of this chapter.**  
10              (2) **A non-profit health clinic or practitioner who accepts or**  
11              **dispenses a drug under the regional drug repository**  
12              **program in accordance with rules adopted by the board**  
13              **under section 7 of this chapter.**  
14              (3) **A regional drug repository that distributes a drug under**  
15              **the program in accordance with rules adopted by the board**  
16              **under section 7 of this chapter.**  
17              (b) **Except in cases of negligence or willful misconduct by the**  
18              **manufacturer, a drug manufacturer is not subject to liability**  
19              **under IC 34-20-2-1 for a claim arising from a drug that is donated,**  
20              **accepted, or dispensed under this chapter to the user or the**  
21              **consumer.**".

(Reference is to SB 113 as printed January 23, 2004.)

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Senator DILLON